IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5422 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAKHRANI MOHAN FATAMAL

Versus

STATE OF GUJARAT

Appearance:

MR SV RAJU for Petitioners

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 21/06/2001

ORAL JUDGEMENT

#. The applicants-accused are practising advocates. They have prayed in this petition to quash the Criminal Case No.1892 of 1992 pending in the court of JMFC.,

Vijapur and FIR being I CR No.425/87 qua them and also the charge sheet which was filed by the police. However, it seems that so far the matter has not proceeded and ultimately the petitioners filed this petition in 2000 before this court wherein rule was issued and interim relief was granted in terms of para 7(B) thereby proceedings before the learned Magistrate was stayed.

#. Mr.Raju, learned counsel for the applicants submitted that the impugned criminal case and charge sheet are required to be quashed in view of the judgment of learned Single Judge of this court dated 17.9.97 rendered in Special Criminal Application No.1590 of 1996 (Annexure-B to this application).

#. This is an old matter therefore, I am of the opinion that both the applicants-accused may make an application to dismiss the complaint in view of the judgment of the learned Single Judge of this court dated 17.9.97 delivered in Special Criminal Application No.1590 of 1996. If such application is filed within 2 months from today then the learned Magistrate shall decide the same in accordance with law as early as possible preferably within a period of 3 months thereof. Till the said application is decided the presence of the applicants-accused may not be insisted by the learned Magistrate. Rule is discharged. Ad-interim relief is vacated subject to aforesaid terms.

(B.J.Shethna, J.)

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